

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**WADE D. TARVER,**

**Plaintiff,**

**v.**

**CAROLYN W. COLVIN,  
Acting Commissioner of the Social  
Security Administration,<sup>1</sup>**

**Defendant.**

**Case No. CIV-12-228-SPS**

**OPINION AND ORDER AWARDING  
ATTORNEYS' FEES TO THE PLAINTIFF UNDER THE EAJA**

The Plaintiff was the prevailing party in this appeal of the Commissioner of the Social Security Administration's decision denying benefits under the Social Security Act. The Plaintiff seeks an award of attorneys' fees in the amount of \$4,734.80, costs for court filing fees in the amount of \$350.00, and costs in the amount of \$17.85 for service by certified mail under the Equal Access to Justice Act, 28 U.S.C. § 2412. The Commissioner indicates that he has no objection to an award of attorneys' fees in the amount of \$4,094.40, costs for court filing fees in the amount of \$350.00, and costs in the amount of \$17.85 for service by certified mail to the Plaintiff.

Upon review of the record herein, the Court finds that said amount is reasonable


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<sup>1</sup> On February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Ms. Colvin is substituted for Michael J. Astrue as the Defendant in this action.

and that the Commissioner should be ordered to pay it to the Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party . . . fees and other expenses . . . incurred by that party in any civil action [.]”). *See also Manning v. Astrue*, 510 F.3d 1246, 1249-50 (10th Cir. 2007), *cert. denied*, \_\_ U.S. \_\_, 129 S. Ct. 486, 172 L. Ed. 2d 355 (2008).

Accordingly, Plaintiff’s Application for the Award of Attorney’s Fees Under the Equal Access to Justice Act [Docket No. 26] is hereby GRANTED, and the Commissioner is hereby ordered to pay attorneys’ fees in the amount of \$4,734.80, costs for court filing fees in the amount of \$350.00, and costs in the amount of \$17.85 for service by certified mail to the Plaintiff as the prevailing party herein.

**IT IS SO ORDERED** this 10th day of April, 2013.

  
Steven P. Shreder  
United States Magistrate Judge  
Eastern District of Oklahoma